

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CASS S. KENDRICK,)	
)	
Plaintiff,)	Civil Case No. 06-1276-KI
)	
vs.)	OPINION AND ORDER
)	
TRAVELCENTERS OF AMERICA, et al.,)	
)	
Defendants.)	
_____)	

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KING, Judge:

Before the court is Defendants' Motion to Compel Production of Treatment Records (#27).

I discussed this issue at length with plaintiff and counsel in a telephone conference on November 7, 2007. Although plaintiff was clearly distressed with my ruling that his medical treatment records were discoverable in this action, he eventually agreed to sign releases provided by defendants. Plaintiff did properly complete and return the releases for his Social Security records and from his workers' compensation insurer, Zurich. On the ten Veterans Administration ("VA") releases, however, plaintiff annotated his signature with the initialed comment "with coercion not freely." This contradicted the language in the release and made the releases ineffective.

I grant defendants' motion and compel the production of the VA records. Because of plaintiffs' gamesmanship, I find that the only way for defendants to be certain they have a complete copy of the records is to receive the records directly from the VA. Consequently, I order plaintiff to complete correctly and return a new set of the ten VA releases by signing and dating them without annotation. Plaintiff must return the completed releases within ten days of the date defendants mail them. If plaintiff fails to return a correct set of completed releases on time, defendants may move for sanctions. I warn plaintiff that I will consider all available sanctions, and likely may dismiss his claims with prejudice.

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Defendants' Motion to Compel Production of Treatment Records (#27) is granted as stated above.

IT IS SO ORDERED.

Dated this 27th day of November, 2007.

/s/ Garr M. King
Garr M. King
United States District Judge